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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,414	07/16/2003	Tokuo Ikari	238477US-3 CONT	7364

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EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT PAPER NUMBER

2851

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/619,414

Applicant(s)

IKARI ET AL.

Examiner

Christopher E. Mahoney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-36 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 11-36 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/846,306.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date May 7, 2005
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

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DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/846306, filed on May 2, 2001.

Allowable Subject Matter

The indicated allowability of claims 13, 17, 19-32 and 35 is withdrawn in view of the newly discovered reference(s) cited in the IDS filed April 7, 2005. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13, 15-17, 19-21, 23, 25-27, 29-31, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitani (JP 9-96872) in view of Kenji (JP 06038151). Mitani teaches a method of manufacturing a rear projection type screen having two or more overlapping sheet-like members 4, 6 or 95, 97, 98, wherein an entirety of length of a first overlapping sheet-like member 6, 30, 92, 98/99 of the two or more overlapping sheet-like members is fitted between first and second protrusions, and the first and second protrusions being integrally formed to protrude from extreme opposite ends of a second overlapping sheet-like member of the two or more overlapping sheet-like members, the method comprising steps of: fabricating an inverted

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mold (figure 10) of each of the first and second protrusions into a metal mold or a stamper 81/84. While Mitani appears to teach a gap between the first second and third sheet like members, it does not explicitly teach that the gap is formed by protrusions nor does Mitani state that forming the second overlapping sheet-like member with the first and second protrusions formed integrally thereon is performed by injection molding using the metal mold or the stamper. Kenji teaches in figures 7-9 that it was known to fix the first overlapping sheet-like member of the two or more overlapping sheet like members to the second overlapping sheet-like member of the two or more overlapping sheet-like members to provide a gap between the first overlapping sheet-like member and the second overlapping sheet-like member the gap extending continuously between the first and second protrusions. Kenji also teaches in paragraphs 70-71 that it was known utilize injection molding with the stamp. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Kenji for the purpose of preventing wear of the lens sheets.

Claims 14, 18, 22, 28, 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitani (JP 9-96872) in view of Kenji (JP 06038151) and further in view of Hori (U.S. Patent No. 6,348,993). Mitani in view of Kenji teaches the salient features of the claimed invention except for the specific materials. Hori teaches in col. 1, lines 47-50 that it was known to utilize acrylic resin, polycarbonate resin, or the like. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Hori for the purpose of high light transmission, appropriate rigidity, and capability of volume production. The applicant should note that it has been held to be within the general skill of a

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worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitani (JP 9-96872) in view of Kenji (JP 06038151) Mitani in view of Kenji teaches the salient features of the claimed invention except for a range of 0.1-2.0 mm for the gap. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a range of 0.1-2.0 mm for the gap for the purpose of utilizing an optimum range. The applicant should note that it has been held that where the general working conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on April 7, 2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher E Mahoney
Primary Examiner
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